Minutes of the 7th Lead Ammunition Group meeting

11 February 2013

The Naval and Military Club – London

Attendees
Mr John Batley
Mr Ian Coghill
Mr Stephen Crouch
Dr James Kirkwood
Mr Jeff Knott
Prof Len Levy
Dr Debbie Pain
Mr Mark Tufnell
Mr John Swift (Chairman)
Sir Barney White-Spunner

Observing
Dr Kevin Hargin - (Food Standards Agency)

Secretariat
Dr Matt Ellis - (BASC)

1. Welcome and introductions

1.1. The Group welcomed Sir Barney White-Spunner, who replaces Mr Rob Gray in representing the shooting stakeholder interest and also Mr Mark Tufnell, who replaces Martin Jamieson for the farming and landowner stakeholder interest.

1.2. The Group was reminded that the member's main role is to represent their stakeholder interest group as distinct from individual organisations.

2. Status of the meeting and Terms of Reference

2.1. The Group was reminded that meetings are conducted strictly under the Chatham House Rule (issues may be discussed outside the meeting but unattributably).

2.2 The Group was reminded that minutes of the meeting are published on the website and the process was reiterated as follows:

- The secretariat produces a set of draft minutes for circulation to the rest of the Group for comment.
- Members of the Group have the opportunity to suggest changes to the Chairman.
- The minutes as amended are then re-circulated for final comment, and then signed off by the Chairman and posted on the website as a public document.
- Deadlines for reply will be given at each step.

2.2. It was clarified that the end point for the Group is to form a view on advice to ministers. The Chairman confirmed that the Group reports to Defra ministers. FSA clarified that they attend as observers but report through the Department of Health [to Parliament] which was noted. The Group noted the interacting responsibilities of Defra and DoH regarding food safety, food labelling and standards, and that these may change.

2.3. All agreed that the Terms of Reference continue to be fit for purpose.

2.4. It was clarified that there is so far only one Subgroup (the Primary Evidence and Risk Assessment Subgroup) which Prof. Len Levy chairs; and the Subgroup is currently producing three risk assessments covering:

- Risks to wildlife from ingested lead from ammunition
- Risks to human health from the ingestion of lead from ammunition
- Risks to human health through livestock feeding in areas of lead shot deposition

2.5. The Group was reminded of the importance of their strategic direction and in future judgemental roles. This is distinct from the scientific and technical work of the Subgroup.

[Note: Jeff Knott and Debbie Pain joined the meeting at this point. The Chairman made introductions and recapped.]

3. Chairman’s progress report (11 April 2012 to date)

3.1. The Chairman reported that he had had to find replacements for Mr Rob Gray (Sir Barney White-Spunner) and Mr Martin Jamieson (Mr Mark Tufnell). His aim has been to encourage the appointment of senior people competent to operate independently in a high-level, strategic and technically demanding role, in what is a controversial field.

3.2. The Chairman thanked Sir Barney White-Spunner and Mr Mark Tufnell, attending their first Group meeting for agreeing to join the Group; and also thanked all the supporting organisations who continue to support the representatives of the other stakeholder interests.

3.3. It was stressed that neither the Group nor those involved are supported by public funding.

3.4. The Chairman acknowledged that the Group had fallen behind the originally anticipated time line. He attributed this to the Group's reliance on experts to do the work of producing risk assessments in their own time, and the need for the risk assessments to meet a very high standard and be properly peer reviewed; the high standard being essential to maximise the possibility for reaching consensus among conflicting interest groups.

3.5. The Group was reminded that the people tasked with producing the risk assessments are doing so in their own time on top of their organisational workloads.

3.6. The Chairman acknowledged that some of the public arguments, press and lobbying had been distracting for some; and he reminded the Group that members have a duty not to be distracted.

3.7. The Chairman admitted to having been frustrated by the FSA's publication of its own advice on lead in game meat during 2012 as it had been widely viewed as cutting across the LAG process which it had set up. The meeting agreed that this does not affect the Group's programme.

3.8. The Chairman reported that he has kept in touch with other lead-related developments in the USA and elsewhere in Europe; especially with DG SANCO, REACH; DG ENV and the Water Framework Directive; as well as developments in Germany, Sweden and Spain especially. He had remained in touch with links to the European ammunition trades and the European Parliament.

3.9. The Chairman reported that he had given effort to promote compliance with lead shot regulations over wetlands across Europe as well as in UK. In reply to a question he identified workshops held with other European countries to raise awareness, and noted progress in the Republic of Ireland. He further reported that awareness has been raised that as yet non-compliant countries must take action.

3.10. The view was expressed that non-compliance with the existing legislation in the UK was unacceptable. The meeting noted that there is a perception, based on significant experience, that coastal wildfowling clubs are already compliant and a multi-organisation campaign will soon be launched by the shooting sector to target wider audiences and ensure that they comply.

3.11 The Chairman reported that he had kept in close touch with the progress of the Subgroup

4. Progress report from the chairman of the Primary Evidence and Risk Assessment (PERA) subgroup

4.1. The PERA Chairman thanked the FSA for providing facilities for a Subgroup meeting on the 15th November 2012 at Aviation House, London.

4.2. The Group was reminded that the Subgroup had been asked to produce risk assessments for:

- Risks to wildlife from ingested lead from ammunition

- Risks to human health from the ingestion of lead from ammunition
- Risks to human health through livestock feeding in areas of lead shot deposition

4.3. The PERA Chairman stressed the distinction between risk assessment, which was a role for the Subgroup, and any risk management which was a task for the main Group after it has received the risk assessments.

4.4. The PERA Chairman expressed the view that it would have been preferable to have paid for independent scientific experts to conduct the risk assessments. However, this had not been an option and the stakeholder groups had nominated scientific experts to write draft the risk assessments and review the other risk assessments produced by Subgroup colleagues.

4.5. The Group was reminded that the members of the Subgroup were conducting the work on a voluntary basis which had led, and would continue to lead, to some delays. However, progress is being made.

4.6. Some members of the Subgroup had had not been able to attend the 15th November 2012 meeting, and therefore, only the draft human health and human health via livestock risk assessments were discussed.

4.7. The next Subgroup meeting will be held on 22nd March 2013 and will aim to finalise the human health and human health via livestock risk assessments. These should then be available to the Group. They would also continue to progress the current wildlife risk assessment.

4.8. It was clarified that new evidence sources needed to be added to the Primary Evidence List (PEL). New papers emerging in the process of producing the risk assessments must, for reasons of transparency and consistency, be classified according to the nature of their source and geographical relevance and so added to the published PEL.

Action Point 6.2 carried forward (April 2011)

4.9. It was noted that the use of the Klimisch scale (for grading toxicology evidence reliability) had been a suggestion to be used as appropriate rather than a hard requirement.

4.10. It was suggested that once the three risk assessments are finalised they might be eventually presented as a final single document with a simple summary, methods and glossary. Efforts were being made to standardise language and units throughout the three documents in order to aid clarity and readability for future non-specialist readers.

4.11. It was noted that the three risk assessments were, by their nature, very different documents and different approaches had had to be taken for each.

4.12. The view was expressed that the Subgroup would prefer to reach an even-handed consensus based on the evidence for all the risk assessments, and so avoid minority reports. However, it was noted that this should not preclude consideration of differing views if a consensus could not be reached on all matters. It was agreed that the Group would take all views into consideration.

4.13. The Subgroup had approached the chairman of the EFSA committee that had produced the EFSA Opinion on Lead, Professor Boobis from Imperial College London, for clarification of some specific points from the EFSA report and the Subgroup Chairman's advice was not to unpick the EFSA report but to accept the EFSA document 'as a given' as in Europe and elsewhere, this EFSA Opinion was generally accepted as being an authoritative consensus view of EU experts.

4.14. It was noted that the Subgroup was aiming to use peer-reviewed journals as much as possible, but was also using a number of authoritative reports (for example the EFSA and WHO reports) and other sources of information, where these contained relevant evidence.

4.15. In discussion, it was questioned whether the Subgroup has a sufficient amount of human health expertise. The Group agreed that external peer-review by qualified human health people could be decided by the Group if need be.

4.16. It was noted in discussion that there had been a possible lack of clarity of the initial risk assessment protocol which had resulted in some members of the Subgroup feeling bound to certain criteria. There was concern that side-stepping the protocol could prejudice the credibility of the process, and make it difficult to carry sceptical audiences. However, the Chair of the Subgroup explained that although the three risk assessments might have somewhat different appearances, the principles of good risk assessment practice and clarity were being adhered to in the three reports. It was also agreed that the presentation of the PEL should not change.

4.17. It was noted that the multidisciplinary expertise on both the Subgroup and main Group provided a further form of peer-review. It was further decided that any decision on whether the wildlife and human health via livestock risk assessments required external peer-review would also rest with the Group; who would decide on any such requirement having seen and discussed the drafts.

4.18. It was noted that in order to obtain external peer-review from outside experts of the three reports; there may possibly be an honorarium or fee to pay to the reviewers; should the Group decide to ask for external such reviews. It was agreed that that this situation would have to be addressed if and when it arose.

4.19. It was suggested that if any of the risk assessments were to be subjected to external peer review, the three key criteria for the reviewer to address would be:

- Have the authors misinterpreted any of the cited studies or data?
- Have the authors missed out any key studies?
- Have the authors followed their “internal rules”?

4.20. It was discussed whether the FSA might also offer a form of peer-review for the human health risk assessmenst. However, the Group was reminded that the FSA attend the Group as independent observers and that subjecting the human health risk assessments to FSA review might be considered to compromise their independence. However, FSA was available to provide comment if the Group felt it appropriate.

4.21 It was agreed that the possible need for further advice and peer review would have to be decided when the risk assessments had been considered by the Group.

4.22. The Group reflected on the potential for external audiences to perceive conflicts of interest in the various authors due to organisational backgrounds; and that this could prejudice the credibility of their risk assessments. It was stressed that the aim was for the finalised draft risk assessments to be outputs of the whole Subgroup and not individuals. It was agreed that the Group was the judge of quality and could take further advice if necessary.

5. Arrangements for receipt by the main committee of the draft risk assessments

5.1. It was reiterated that the Group can reasonably expect to receive the draft human health and human health via livestock risk assessments in April.

5.2. It was agreed that the Group should have at least one month to review the drafts before considering them collectively at a meeting.

5.3. In reply to a question, the Chairman made clear that the draft risk assessments must be treated as confidential; but that the Groups’ members might take advice from their experts so long as the drafts’ confidential status was respected. Group members must not publish or cause the drafts to be published or to publish opinions or views before they have been received and agreed by the Group. Once the drafts have been agreed and finalised, they will be published on the Group’s website.

5.4. It was agreed that members of the Group are free to contact the authors of the draft risk assessments to discuss points for clarification.

5.5. The Group’s meeting to consider the draft risk assessments would be best organised as a daylong session: the morning session to include the PERA Subgroup members and be devoted to presentation and open discussion of the risk assessments. The afternoon session would be a closed session of the Group to discuss conclusions and next steps.

5.6 It was agreed to look for a meeting date in early May and 14th was identified as the most suitable.

6. Arrangements for subsequent consideration of any risk management needs

6.1. The Group decided to postpone this discussion (of risk management) until after the draft risk assessments have been received.

6.2. It was suggested that it might be useful at that time to collate a summary of known risk management options. The Chairman agreed to give this consideration. Some group members offered their expertise in this area.

7. Chairman's progress report to ministers

7.1. The group agreed that it would be sensible for the Chairman to delay the original April date for his progress report after the draft risk assessments have been received by the Group.

New Action Point 7.1. Chairman to notify Defra/FSA that his progress report will be delayed until after the Group has received the draft risk assessments and decided next steps.

8. Any other business

8.1. The Group discussed the implications of lobbying by Group members for specific outcomes: both for 'no change' and for 'complete replacement'. It was generally concluded that members of the Group should exercise discretion at this stage so as to ensure that any conclusions reached by the Group are seen by outsiders to be driven by the evidence as adduced in the risk assessments. The risk assessments themselves must also be seen to be as impartial as possible. The Group acknowledged the contribution of those who are undertaking the "spade-work" and have the knowledge to do it. It is for the LAG main committee to exercise its judgment about the reports that the sub-group produces for it to consider taking account of everything that it wishes to take account of. There was agreement that work on the reports should continue, but it was recognised that having the risk assessments written by experts linked to campaigning organisations was appropriate under the circumstances. The overview of the main Group would provide a further check and balance; and moreover the main Group could commission further peer review or comment if necessary; but that could only be decided when the Group had had time to digest the risk assessments.

8.2. It was discussed and noted that some organisations have scientific and lobbying programmes outside of the LAG process and that these might be allowed to continue on the basis of 'business as usual'. There was, however, a general view that members of the Group must be seen to commit to the LAG evidence process and make clear that they are open to the consideration of any and all

evidence, wherever that may lead. Members of the Group are appointed as nominees to represent the views of their sector independently of organisations but also because of their own expertise. If any member of the Group was not able to respect this they could of course opt to leave the Group. It was agreed that discretion must be observed and the evidence must drive the Group's conclusions.

8.3. It was questioned if the Group contained the right expertise and the Group decided that this question must also be deferred until the next meeting.

8.4 It was questioned whether all or none of the members of the Subgroup be on the main Group to ensure balance of expertise. The Chairman concluded that there will be no personnel changes at this stage. (Note: appointments to the main Group are made by the Minister).

8.5. A request was made for agreement on an aspirational or indicative timetable for the Group's work and outputs but the Chairman judged that the time to consider a timetable was when the Group had considered the draft risk assessments.

8.6. Questions were raised over the treatment of venison in the FSA risk assessments. FSA had stated that they used the best available data, but accepted it was a conservative risk assessment, limited by the availability of data. The importance of proper game meat handling in minimising exposure to lead contaminated game meat was stressed. It was agreed that further discussion on such points could be had at the time the draft risk assessments were discussed.

8.8. The Group thanked the PERA Subgroup for their work to date.

9. Date of next meeting

7.1. The Group provisionally decided on Tuesday 14 May. This will be confirmed by Doodle poll. It was agreed that the members of the PERA subgroup should be invited to attend.

Action Point 6.11 carried forward (April 2011)

10. Review of outstanding action points

10.1. **Action Point 6.1.** Chairman to inform Group of outcome of discussion with CLA

Complete

10.2. **Action Point 6.2.** Progress report after one year will be submitted April 2013.

See 7.1 and New Action Point 7.1

10.3. **Action Point 6.3**. The Primary Evidence and Risk Assessment Subgroup will compile a list of all new papers for inclusion on the PEL. These papers will be categorised according to

geographical scope and relevance and tabled at the next meeting of the Lead Ammunition Group for approval prior to posting on the website.

This action will be carried forward

10.4. **Action Point 6.4**. The Chairman will speak to TA to get an update on the progress of Defra's attempt to pull together all the regulations, guidelines and Directives which are relevant to the Lead Ammunition Group.

Outstanding

10.5. **Action Point 6.5**. LL to compile a list of knowledge gaps identified by the risk assessments being conducted by the PERA SG.

Outstanding

10.6**. Action Point 6.6**. The risk assessment guidelines used in the production of the environmental risk assessment should be posted on the website.

Complete

10.7. **Action Point 6.7**. PERA SG to provide a summary evaluating any remaining risk to wildfowl and wetlands for inclusion in the relevant risk assessments.

Complete

10.8. **Action Point 6.8**. LL to provide his report for inclusion in the minutes.

Complete

10.9. **Action Point 6.9**. KH to update the Group when the FSA(S) risk assessment is published.

Complete

10.10. **Action Point 6.10**. PERA SG to attempt to complete draft risk assessments by July 2012.

See section 4.

10.11. **Action Point 6.11**. Chair to invite Risk Assessment authors to next meeting.

This action will be carried forward

10.12. **Action point 5.9**. Secretariat to circulate an amended version of the document which pulls together all the regulations, guidelines and Directives which are relevant to the LAG

This action will now fall in New Action Point 7.2

11. Summary of action points

New Action Point 7.1. Chairman to seek an extension with Defra/FSA to the April reporting deadline.